

REMARKS

Status Of Application

Claims 1-18 are pending in the application. The status of the claims is as follows:

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. US 2004/0018933 A1 to Mori et al. ("Mori et al.").

Claims 1-14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,303,528 B1 to Speit et al. ("Speit et al.").

By this amendment, new claims 15-18 have been added. Support for claims 15 and 16 can be found in paragraphs [0014]-[0018]. Support for claims 17 and 18 can be found in paragraphs [0014]-[0020] and [0049]-[0050]. Because support for each of these claims is found in the original application, claims 15-18 do not introduce any new matter.

The acknowledgement, in the Office Action, of a claim for foreign priority under 35 U.S.C. § 119(a)-(d), and that the certified copy of the priority document has been received, is noted with appreciation.

The indication, in the Office Action, that the Examiner has no objections to the drawings filed on February 23, 2004, is noted with appreciation.

35 U.S.C. § 103(a) Rejections

The rejection of claims 1-14 under 35 U.S.C. § 103(a), as being unpatentable over Mori et al. is respectfully traversed based on the following.

The present claims relate to a glass substrate for an information recording medium, and more particularly to a glass substrate for use as a substrate of an information recording medium such as a magnetic disk, magneto-optical disk, DVD, or MD.

Claim 1 recites:

1. A chemically strengthened glass substrate for an information recording medium, wherein a strengthened layer formed by chemical strengthening exists on an outer edge surface and on an inner edge surface but substantially not on a surface on which an information recording layer is formed.

Thus, claim 1 requires that a strengthened layer exist on both the inner edge surface and the outer edge surface of a glass substrate, but *substantially not on the surface on which an information recording layer is formed*.

Despite the plain language of claim 1, the present rejection asserts that claim 1 implies a “structure of flat glass with *strengthened* layers on the multiple surfaces or an *information recording layer*.” Therefore, the rejection asserts that claim 1 implies a structure of flat glass with a *strengthened information recording layer*. This assertion mischaracterizes claim 1, which clearly states that the strengthened layer does *not* substantially exist on the information recording layer. In fact, claim 1 requires that a strengthened layer is substantially *not* on the surface on which an information recording layer is formed.

In order to render claim 1 obvious, Mori et. al must disclose or suggest all the limitations of that claim. Mori discloses an optical glass, and the composition of that glass (see Abstract, paragraphs [0040]-[0070]). Even if, as the present rejection asserts, Mori et. al discloses a flat glass structure with “strengthened layers on the multiple surfaces,” it does not disclose or suggest a structure in which the strengthening layer is on the inner edge surface and the outer edge surface, but is substantially not on the surface on which an information recording layer is formed. Furthermore, because Mori et. al discloses an optical glass, it does not disclose a glass substrate with an inner surface of any type, yet alone one that is strengthened. Therefore, because Mori does not disclose or suggest all of the limitations of claim 1, it cannot render this claim obvious, or claims 2-14 which depend on this claim.

The present rejection additionally claims that Mori et. al renders several claims obvious, citing MPEP 2144.05 for the proposition that “[o]verlapping ranges have been held to establish *prima facie* obviousness.” However independent claim 1, upon which claims 2-14 depend, contains no ranges at all, and therefore cannot be invalid under MPEP 2144.05. Because claim 1 is not obvious as shown above, dependent claims 2-14, which contain additional limitations, cannot be obvious for at least the same reasons.

Accordingly, applicant respectfully requests that the rejection of claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Mori et. al be reconsidered and withdrawn.

In order to render claim 1 obvious, Speit et. al must disclose or suggest all the limitations of that claim. Speit discloses a chemically prestressed glass disk substrate (see Abstract, col. 1, lines 30-41). It also discloses the composition of that glass substrate. (see Abstract, col. 2, line 46 to col. 3, line 5). Even if, as the present rejection asserts, Speit et. al discloses a flat glass structure with “strengthened layers on the multiple surfaces,” it does not disclose or suggest a structure in which the strengthening layer is on the inner edge surface and the outer edge surface, but is substantially not on the surface on which an information recording layer is formed. Therefore, because Speit et. al does not disclose or suggest all of the limitations of claim 1, it cannot render this claim obvious, or claims 2-14 which depend on this claim.

The present rejection additionally claims that Speit et. al renders several claims obvious, citing MPEP 2144.05 for the proposition that “[o]verlapping ranges have been held to establish *prima facie* obviousness.” However independent claim 1, upon which claims 2-14 depend, contains no ranges at all, and therefore cannot be invalid under MPEP 2144.05. Because claim 1 is not obvious as shown above, dependent claims 2-14, which contain additional limitations, cannot be obvious for at least the same reasons.

Accordingly, applicant respectfully requests that the rejection of claims 1-14 under 35 U.S.C. § 103(a) as being unpatentable over Speit et. al be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment increases the number of independent claims by 4 from 1 to 5 (3 claims previously paid for) and increases the total number of claims by 4 from 14 to 18 (20 claims previously paid for), but does not present any multiple dependency claims. Accordingly, please charge the amount of \$420.00 to Sidley Austin LLP Deposit Account No. 18-1260.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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